

UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: BABKES, et al. Serial No.: 10/671,368 Filed: September 25, 2003 Title: Hinge System for Combination Hand Truck, Step Ladder and Dolly Device	Examiner: Not Yet Assigned Group Art Unit: 3634 <div style="border: 1px solid black; padding: 5px;"><p style="text-align: center;">Certificate of Mailing</p><p>I hereby certify that this correspondence is being deposited with the United States Postal Service Express Mail Service, Label No. ER500464400US in an envelope addressed to Special Program Examiner for Group 3634, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on January 21, 2004.</p><p><i>Kathy Mojib</i> Kathy Mojib</p></div>
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Special Program Examiner for Group 3634
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PETITION TO MAKE SPECIAL

Sir:

Applicants hereby petition to make this application special pursuant to the Advancement of Examination procedures set forth 37 C.F.R. §1.102(d) and MPEP 708.02 on the grounds that a search of the prior art has been made.

REMARKS

In accordance with MPEP 708.02, Part VIII, subparagraphs (A) through (E), the Applicant states as follows:

(A) **Petition Fee.** The Commissioner is hereby authorized to charge the Petition Fee of \$130.00 as set forth in 37 C.F.R. §§ 1.102(d) and 1.17(h) to our Deposit Account No. 50-2922.

(B) **All Claims Directed to Single Invention.** All the claims in the pending application are directed to a single invention. The claims, as filed, do not define independent and distinct inventions; therefore, no restriction should be required.

Nevertheless, if the Patent Office determines that the claims are not directed to a single invention, then the Applicants will make an election without traverse as a

prerequisite to the grant of special status for the pending application. The Applicants prefer, however, to defer any required election until the Patent Office determines that a restriction is required and, then, to make any such election using the established telephone restriction practice, as permitted in MPEP 708.02, Part VIII (B).

(C) Search Made. The Applicants have conducted a pre-examination search using the services of Terry W. Kramer, Esq. of Kramer & Associates. A copy of Mr. Kramer's letter is attached to this Petition as Exhibit 1, and incorporated herein by reference.

Mr. Kramer's letter sets forth the search field, including the classes and subclasses (U.S. and foreign), and the examiners consulted during the search. The letter also includes a schedule of references found.

(D) Submission of References. Also attached is an Information Disclosure Form PTO/SB/08A listing the references located during the search. A copy of each reference is also enclosed.

The following are the prior art referenced deemed by the Applicant to be most closely related to the subject matter encompassed by the claims of the pending application.

Patent No.	Inventor	Issue Date	Title
518,698	Pipes et al.	Apr. 24, 1894	Bicycle Support
5,058,239	Lee	Oct. 22, 1991	Fixing Knuckles in Foldable Aluminum Ladder
5,871,227	Huang	Feb. 16, 1999	Foldable Mechanism for Use in a Stroller

(E) Detailed Discussion of the References and Patentable Subject Matter.

The claims in the pending application have been amended by way of a Preliminary Amendment filed simultaneously herewith to more clearly define the invention. The following is a discussion summarizing each reference uncovered in the search and analyzing the patentability of the claimed invention over the references.

U.S. Patent No. 518,698 issued to Pipes, et al.

The Pipes patent is directed to a bicycle kickstand that utilizes a pawl and notch assembly to hold the kickstand in position. Pipes does not teach or suggest a “hinge [that] pivots the step ladder frame in at least three positions relative to the hand truck frame for a step ladder configuration, a hand truck configuration, and a dolly configuration.” Nor does Pipes teach or suggest “an anti-wobble hook pivotally connected to the hinge.” Further, Pipes does not teach or suggest several other claimed features. Therefore, the present invention is patentable over the Pipes patent.

U.S. Patent No. 695,161 issued to Linkert

The Linkert patent discloses a combined deck-sash ratchet and pivot for hanging transom-sash in the decks of railroad-cars. Linkert does not teach or suggest a “hinge [that] pivots the step ladder frame in at least three positions relative to the hand truck frame for a step ladder configuration, a hand truck configuration, and a dolly configuration.” Nor does Linkert teach or suggest “an anti-wobble hook pivotally connected to the hinge.” Further, Linkert does not teach or suggest several other claimed features. Therefore, the present invention is patentable over the Linkert patent.

U.S. Patent No. 938,952 issued to Berg

The Berg patent discloses a transom ratchet of the type applicable for use in regulating the position of ventilating windows in the deck sash of a passenger car. Berg does not teach or suggest a “hinge [that] pivots the step ladder frame in at least three positions relative to the hand truck frame for a step ladder configuration, a hand truck configuration, and a dolly configuration.” Nor does Berg teach or suggest “an anti-wobble hook pivotally connected to the hinge.” Further, Berg does not teach or suggest several other claimed features. Therefore, the present invention is patentable over the Berg patent.

U.S. Patent No. 1,226,324 issued to Gage

The Gage patent discloses a hinge lock having a pair of shouldered members having pivotally connected ears, cooperating locking means on each of said ears and a resilient locking member adapted to simultaneously engage the locking means. Gage does not teach or suggest a “hinge [that] pivots the step ladder frame in at least three positions relative to the hand truck frame for a step ladder configuration, a hand truck configuration, and a dolly configuration.” Nor does Gage teach or suggest “an anti-wobble hook pivotally connected to the hinge.” Further, Gage does not teach or suggest several other claimed features. Therefore, the present invention is patentable over the Gage patent.

U.S. Patent No. 1,478,204 issued to Cooney et al.

The Cooney patent discloses a shovel and hoe combination, pivotally connected to each other, wherein the shovel includes a notched section and the handle includes a spring actuated means for selectively engaging the notched section. Cooney does not teach or suggest a “hinge [that] pivots the step ladder frame in at least three positions relative to the hand truck frame for a step ladder configuration, a hand truck configuration, and a dolly configuration.” Nor does Cooney teach or suggest “an anti-wobble hook pivotally connected to the hinge.” Further, Cooney does not teach or suggest several other claimed features. Therefore, the present invention is patentable over the Cooney patent.

U.S. Patent No. 1,938,507 issued to Wilson

The Wilson patent discloses a joint unit having a pivoted table leg. Wilson does not teach or suggest a “hinge [that] pivots the step ladder frame in at least three positions relative to the hand truck frame for a step ladder configuration, a hand truck configuration, and a dolly configuration.” Nor does Wilson teach or suggest “an anti-wobble hook pivotally connected to the hinge.” Further, Wilson does not teach or suggest several other claimed features. Therefore, the present invention is patentable over the Wilson patent.

U.S. Patent No. 2,271,332 issued to Ellington

The Ellington patent discloses a table having foldable legs. Ellington does not teach or suggest a “hinge [that] pivots the step ladder frame in at least three positions relative to the hand truck frame for a step ladder configuration, a hand truck configuration, and a dolly configuration.” Nor does Ellington teach or suggest “an anti-wobble hook pivotally connected to the hinge.” Further, Ellington does not teach or suggest several other claimed features. Therefore, the present invention is patentable over the Ellington patent.

U.S. Patent No. 3,561,787 issued to Toda, et al.

The Toda patent discloses a baby carriage frame that is collapsible from an open position to a closed position. Toda does not teach or suggest a “hinge [that] pivots the step ladder frame in at least three positions relative to the hand truck frame for a step ladder configuration, a hand truck configuration, and a dolly configuration.” Nor does Toda teach or suggest “an anti-wobble hook pivotally connected to the hinge.” Further, Toda does not teach or suggest several other claimed features. Therefore, the present invention is patentable over the Toda patent.

U.S. Patent No. 3,643,292 issued to Mayer

Mayer discloses a lockable hinge having a pair of hinge arms connected to each other and turnable around a common axis. One hinge arm carries a spring-loaded locking mechanism which in its locks the hinge fitting by engaging one of a number of recesses circumferentially spaced apart from each other on the periphery of the other hinge arm. Mayer does not teach or suggest a “hinge [that] pivots the step ladder frame in at least three positions relative to the hand truck frame for a step ladder configuration, a hand truck configuration, and a dolly configuration.” Nor does Mayer teach or suggest “an anti-wobble hook pivotally connected to the hinge.” Further, Mayer does not teach or suggest several other claimed features. Therefore, the present invention is patentable over the Mayer patent.

U.S. Patent No. 3,655,012 issued to Hoffman et al.

The Hoffman patent discloses a joint having a circular locking disc concentric with the joint axis and with recesses about its periphery and a stop member on the other section engageable in the recesses. Hoffman does not teach or suggest a “hinge [that] pivots the step ladder frame in at least three positions relative to the hand truck frame for a step ladder configuration, a hand truck configuration, and a dolly configuration.” Nor does Hoffman teach or suggest “an anti-wobble hook pivotally connected to the hinge.” Further, Hoffman does not teach or suggest several other claimed features. Therefore, the present invention is patentable over the Hoffman patent.

U.S. Patent No. 3,713,510 issued to O'Dell

The O'Dell patent discloses a push-out apparatus adapted to be attached to a ladder for moving the ladder to a selected adjusted position relative to a surface against which the ladder is supported. O'Dell does not teach or suggest a “hinge [that] pivots the step ladder frame in at least three positions relative to the hand truck frame for a step ladder configuration, a hand truck configuration, and a dolly configuration.” Nor does O'Dell teach or suggest “an anti-wobble hook pivotally connected to the hinge.” Further, O'Dell does not teach or suggest several other claimed features. Therefore, the present invention is patentable over the O'Dell patent.

U.S. Patent No. 3,955,240 issued to Schuh

The Schuh patent discloses a freely rotatable disc formed with projections and notches between the projections. The projections and notches are selectively engageable by a handle element. Schuh does not teach or suggest a “hinge [that] pivots the step ladder frame in at least three positions relative to the hand truck frame for a step ladder configuration, a hand truck configuration, and a dolly configuration.” Nor does Schuh teach or suggest “an anti-wobble hook pivotally connected to the hinge.” Further, Schuh does not teach or suggest several other claimed features. Therefore, the present invention is patentable over the Schuh patent.

U.S. Patent No. 4,191,397 issued to Kassai

The Kassai patent discloses a stroller having a push member pivotable to selectively assume a back fronting push position or a face fronting push position. Kassai does not teach or suggest a “hinge [that] pivots the step ladder frame in at least three positions relative to the hand truck frame for a step ladder configuration, a hand truck configuration, and a dolly configuration.” Nor does Kassai teach or suggest “an anti-wobble hook pivotally connected to the hinge.” Further, Kassai does not teach or suggest several other claimed features. Therefore, the present invention is patentable over the Kassai patent.

U.S. Patent No. 4,474,264 issued to Krause

The Krause patent discloses a ladder joint having two joint parts. The first joint part has a two-cup locking disk which is concentric with respect to the joint axle and, along its circumference, has notches which are distributed to correspond to the various operating positions. The notches can receive a spring-loaded locking part which is guided for longitudinal movement on the second joint part. Krause does not teach or suggest a “hinge [that] pivots the step ladder frame in at least three positions relative to the hand truck frame for a step ladder configuration, a hand truck configuration, and a dolly configuration.” Nor does Krause teach or suggest “an anti-wobble hook pivotally connected to the hinge.” Further, Krause does not teach or suggest several other claimed features. Therefore, the present invention is patentable over the Krause patent.

U.S. Patent No. 4,453,006 issued to Wang

The Wang ‘006 patent discloses a ladder joint in which one side of the locking disk of the second joint member is provided between each notch thereof and the common axial bolt with cams capable of one-way rotation under the driving action of the release element of the operating lever. Wang does not teach or suggest a “hinge [that] pivots the step ladder frame in at least three positions relative to the hand truck frame for a step ladder configuration, a hand truck configuration, and a dolly configuration.” Nor does

Wang teach or suggest “an anti-wobble hook pivotally connected to the hinge.” Further, Wang does not teach or suggest several other claimed features. Therefore, the present invention is patentable over the Wang patent.

U.S. Patent No. 4,577,986 issued to Wang

The Wang ‘986 patent discloses a joint mechanism comprised of two pivotally connected joint member rotatable about a common axis, lockable in one of a series of predetermined positions by engagement of a spring-biased pawl provided within one joint member within notches distributed about the peripheral edge of the other joint member. Wang does not teach or suggest a “hinge [that] pivots the step ladder frame in at least three positions relative to the hand truck frame for a step ladder configuration, a hand truck configuration, and a dolly configuration.” Nor does Wang teach or suggest “an anti-wobble hook pivotally connected to the hinge.” Further, Wang does not teach or suggest several other claimed features. Therefore, the present invention is patentable over the Wang patent.

U.S. Serial No. 4,770,559 issued to Yoo

Yoo discloses a positioning joint for a folding ladder comprising a first joint member having a locking device and a second joint member having a relatively fitted guide-disc plate. The two joint members are relatively pivotable about a common axis and are lockable in a series of predetermined angular positions by engaging the locking device provided on the first joint member in the notches formed at the peripheral edge of the other member, under the control of the guide-disc plate. Yoo does not teach or suggest a “hinge [that] pivots the step ladder frame in at least three positions relative to the hand truck frame for a step ladder configuration, a hand truck configuration, and a dolly configuration.” Nor does Yoo teach or suggest “an anti-wobble hook pivotally connected to the hinge.” Further, Yoo does not teach or suggest several other claimed features. Therefore, the present invention is patentable over the Yoo patent.

U.S. Serial No. 5,022,118 issued to Wan-Li

Wan-Li discloses a ladder joint with an engagement spring member on it for locking or unlocking the ladder joint into position. Wan-Li does not teach or suggest a “hinge [that] pivots the step ladder frame in at least three positions relative to the hand truck frame for a step ladder configuration, a hand truck configuration, and a dolly configuration.” Nor does Wan-Li teach or suggest “an anti-wobble hook pivotally connected to the hinge.” Further, Wan-Li does not teach or suggest several other claimed features. Therefore, the present invention is patentable over the Wan-Li patent.

U.S. Patent No. 5,058,239 issued to Lee

Lee discloses fixing knuckles in foldable aluminum ladders comprising a number of projecting guide pins riveted on both sides of an inner disk member which work in cooperation with L-shaped cam plates of the frame to effect the change of the fixing angle of the fixing knuckle. Lee does not teach or suggest a “hinge [that] pivots the step ladder frame in at least three positions relative to the hand truck frame for a step ladder configuration, a hand truck configuration, and a dolly configuration.” Nor does Lee teach or suggest “an anti-wobble hook pivotally connected to the hinge.” Further, Lee does not teach or suggest several other claimed features. Therefore, the present invention is patentable over the Lee patent.

U.S. Patent No. 5,142,739 issued to Lin

Lin discloses a joint having two inner and two outer shell halves which are mutually rotatably connected together by a central pivot bolt. Between the two outer shell halves in two rectangular slots is accommodated a locking pawl capable of radially moving into and out of the position notches defined on the curved peripheral edge of a disk portion formed by the two inner halves. Lin does not teach or suggest a “hinge [that] pivots the step ladder frame in at least three positions relative to the hand truck frame for a step ladder configuration, a hand truck configuration, and a dolly configuration.” Nor does Lin teach or suggest “an anti-wobble hook pivotally connected to the hinge.”

Further, Lin does not teach or suggest several other claimed features. Therefore, the present invention is patentable over the Lin patent.

U.S. Patent No. 5,257,799 issued to Cone et al.

The Cone patent discloses a stroller having a control hum for releasing the back and then moving the back with one hand from its normal upright position forwardly toward the seat bottom to collapse the seat unit and frame into a compact folded stroller. Cone does not teach or suggest a “hinge [that] pivots the step ladder frame in at least three positions relative to the hand truck frame for a step ladder configuration, a hand truck configuration, and a dolly configuration.” Nor does Cone teach or suggest “an anti-wobble hook pivotally connected to the hinge.” Further, Cone does not teach or suggest several other claimed features. Therefore, the present invention is patentable over the Cone patent.

U.S. Patent No. 5,871,277 issued to Huang

Huang discloses a foldable mechanism for use in a stroller that can be activated by the user’s foot or a switch mounted on a handle of the stroller through a traction element. Huang does not teach or suggest a “hinge [that] pivots the step ladder frame in at least three positions relative to the hand truck frame for a step ladder configuration, a hand truck configuration, and a dolly configuration.” Nor does Huang teach or suggest “an anti-wobble hook pivotally connected to the hinge.” Further, Huang does not teach or suggest several other claimed features. Therefore, the present invention is patentable over the Huang patent.

U.S. Patent No. 6,102,479 issued to Wallace

Wallace discloses a locking pivot connector for a cot-chair back rest and a swivel joint for a sun shade supported by the back rest. Wallace does not teach or suggest a “hinge [that] pivots the step ladder frame in at least three positions relative to the hand truck frame for a step ladder configuration, a hand truck configuration, and a dolly configuration.” Nor does Wallace teach or suggest “an anti-wobble hook pivotally

connected to the hinge.” Further, Wallace does not teach or suggest several other claimed features. Therefore, the present invention is patentable over the Wallace patent.

U.S. Patent No. 6,238,125 B1 issued to Lin

The Lin patent discloses a baby stroller structurally provided with a twofold engagement effect. Lin does not teach or suggest a “hinge [that] pivots the step ladder frame in at least three positions relative to the hand truck frame for a step ladder configuration, a hand truck configuration, and a dolly configuration.” Nor does Lin teach or suggest “an anti-wobble hook pivotally connected to the hinge.” Further, Lin does not teach or suggest several other claimed features. Therefore, the present invention is patentable over the Lin patent.

U.S. Patent No. 6,454,050 B2 issued to Gibson et al.

The Gibson patent discloses a step stool having a foldable frame with a front leg and a rear leg movable relative to the front leg and a carrying handle supported for pivotable movement on one of the legs about a pivot axis. A retainer member is coupled to the handle to move with the handle about the pivot axis to lock the front leg to the rear leg.

U.S. Patent Application US2003/0012595A1

The Park application discloses a hinge for foldable ladders having a first joint member with main discs, a second joint member with a sub disc, a locking device having a button, connecting pin, coil spring, rectangular locking block and a press locking control device. Park does not teach or suggest a “hinge [that] pivots the step ladder frame in at least three positions relative to the hand truck frame for a step ladder configuration, a hand truck configuration, and a dolly configuration.” Nor does Park teach or suggest “an anti-wobble hook pivotally connected to the hinge.” Further, Park does not teach or suggest several other claimed features. Therefore, the present invention is patentable over the Park application.

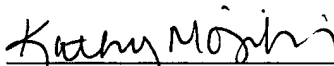
CONCLUSION

Having satisfied the requirements for the Advancement of Examination as set forth in 37 C.F.R. §1.102(d) and MPEP 708.02, the Applicants hereby seek accelerated examination of this patent application.

The Commissioner is authorized to charge any fee to our Deposit Account No. 50-2922.

Respectfully Submitted,

Date: January 21, 2004



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December 12, 2003

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RE: Patentability Search
For: **HINGE SYSTEM FOR
COMBINATION HAND TRUCK,
STEP LADDER, AND DOLLY DEVICE**
Your Ref. No.: 19576-0122
Our Ref. No.: SDA 1028

Dear Russell:

We have completed the patentability search for use in a Petition To Make Special at the U.S. Patent and Trademark Office regarding the above-identified invention. The field of search covered Class 16, subclasses 224, 252, 253, 321, 324, 326, 329, 330, 330, 331, 332, 333, 334, 349, 350, 357, 374, and 900; Class 182, subclasses 20, 129, 161 and 163; Class 280, subclasses 47.16, 47.28 and 642; and Class 403, subclasses 84, 92, 93, 104, and 106. Additionally, a computer database search was conducted on the USPTO systems EAST and WEST. Examiners Chuck Mah in Class 16 (Art Unit 3626), Alvin Chin-Shue in Class 182 (Art Unit 3634), Daniel Depumpo in Class 280 (Art Unit 3611), and John Cottingham in Class 403 (Art Unit 3629) were consulted in confirming the field of search.

The search was directed towards a hinge system for a combination hand truck, stepladder, and dolly device. In particular, the search was directed towards a hinge that locks into different positions, depending on the configuration desired, as set forth in the disclosure.

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Russell A. Korn, Esq.
December 12, 2003
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Please note the enclosed documents are listed in numerical order for convenience:

<u>U.S. Patent Number</u>	<u>Inventor(s)</u>
0,518,698	Pipes et al.
0,695,161	Linkert
0,938,952	Berg
1,226,324	Gage
1,478,204	Cooney et al.
1,938,507	Wilson
2,271,332	Ellington
3,561,787	Toda et al.
3,643,292	Mayer
3,655,012	Hoffman et al.
3,713,510	O'Dell
3,955,240	Schuh et al.
4,191,397	Kassai
4,474,264	Krause
4,543,006	Wang
4,577,986	Wang
4,770,559	Yoo
5,022,118	Wan-Li
5,058,239	Lee
5,142,739	Lin
5,257,799	Cone et al.
5,871,227	Huang
6,102,479	Wallace
6,238,125	Lin
6,454,050	Gibson et al.
<u>Published Patent Application</u>	<u>Inventor(s)</u>
2003/0012595	Park et al.

Brief Description Of The Documents:

U.S. Patent Number 0,518,698 shows a bicycle support comprising a metal clasp or clamp (B) having notches (d), a rod or bar (C) and a catch or pawl (F) adapted to engage any one of these notches to hold the rod or bar at the desire position. See Figures 2-3, Page 1, lines 45-102 and Page 2, lines 1-35.



Russell A. Korn, Esq.
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Page 3

U.S. Patent Number 5,058,239 shows fixing knuckles in foldable aluminum ladder comprising an inner disk member (14) having detents (15a, 15b and 15c), a locking block (6) and L-shaped cam plate (8). See Figures 3-7, Col. 3, lines 67-68, Col. 4, lines 1-68 and Col. 5, lines 1-7.

U.S. Patent Number 5,871,227 shows a foldable mechanism for use in a stroller having a safety catch (28) pivotally connected with the middle support (40) to ensure safety of the combination of the stroller. See Figure 8, Col. 3, lines 56-67 and Col. 4, lines 1-3.

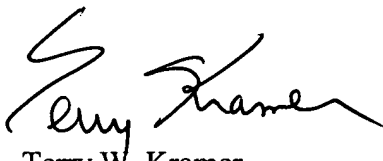
The remaining documents are of general interest for showing hinge systems

While the above-noted Examiners were consulted and confirmed our opinion that the most relevant areas for this invention were reviewed, further searching may uncover additional patents. NOTE: The field of search included the most pertinent areas identified by the Examiners and our office as containing relevant patents.

Enclosed are copies of the cited documents and our invoice for services rendered and disbursements for this matter.

As always, if you have any questions regarding this search, please do not hesitate to call us at (703) 413-5000.

Very truly yours,



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TWK:BNK:css
Enclosure

